

**1215**

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**ORIGINAL APPLICATION NO. 423 OF 2022**

**IN THE MATTER OF:**

**MOHINDER PAL**

**...PETITIONER**

**VERSUS**

**STATE OF HARYANA & ORS.**

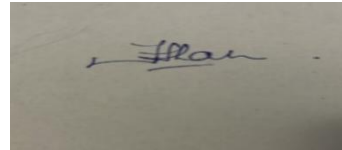
**...RESPONDENTS**

**LDOH: 18.12.2024**

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**RESPONDENT NO. 7**



**THROUGH**

**FUZAIL KHAN  
ADVOCATE**

**9, TODERMAL LANE, BENGALI MARKET,  
NEW DELHI-110001.**

**PLACE: DELHI**

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**DATED: 22.12.2024**

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**SYNOPSIS**

*(Submitted on behalf of Respondent No. 7-M/s JSM Foods Pvt. Ltd.)*

**1. Details of Mining Blocks:**

- a. Mandoli Ghaggar East (YNR B-3): 20.18 hectares; 8,50,000 TPA; contract till 18.06.2026.
- b. Mandoli Ghaggar West (YNR B-4): 25.56 hectares; 11,91,000 TPA; contract expired on 18.06.2023.

*Both riverbed mining blocks located at District Yamunanagar.*

**2. Relevant Dates:**

- a. Letter of Intent: 19.06.2015 **(R-7/3)**
- b. Mining Plan: 08.01.2016 **(R-7/4)**
- c. Environmental Clearance: 21.12.2016 **(R-7/5)**
- d. Application u/R 56(19) for addition of B&G: 25.09.2020 **(R-7/6)**
- e. Order of DGMG for addition of B&G: 05.02.2021 **(R-7/7)**
- f. Modification Order of DGMG: 05.01.2022 **(R-7/10)**
- g. Extension & Addition of B&G in EC: 07.10.2022 **(R-7/14)**

**3. Issues involved:**

- a. Whether the respondent No. 7 was required to obtain separate/fresh environmental clearance on account of addition of boulder and gravel as per the Order dated 05.02.2021 passed by DGMG under Rule 56(19) of Haryana State Mining Rules, 2012.
- b. Whether the respondent No. 7 indulged into illegal mining of boulder and gravel without obtaining separate/fresh EC for additional minerals.

**4. Submissions:**

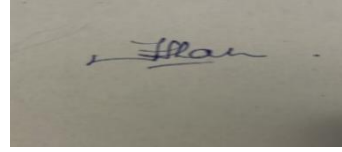
- a. **Paragraph No. 2** of EIA Notification dated 14.09.2006 states as under:

**2. Requirements of prior Environmental Clearance (EC):-** *The following projects or activities shall require prior environmental clearance from the concerned regulatory authority which shall hereinafter referred to be as the Central Government in the Ministry of Environmental and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management expect for securing the land, is started on the project or activity:*

- i. *All new projects or activities listed in the Schedule to this notification;*
- ii. *Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;*

- iii. *Any change in product – mix in an existing manufacturing unit included in Schedule beyond the specified range.*
- b. **Paragraph No. 7 (ii)** of EIA Notification dated 14.09.2006 states as follows:
- 7(ii). Prior Environmental Clearance (EC) process for Expansion or Modernization or Change of product mix in existing projects:**
- All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product -mix shall be made in Form I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of environmental clearance.*
- c. In the present case, as per Order dated 05.02.2021 (Annexure R-7/7), there was neither any increase in the lease area nor any increase in the production capacity as approved in the Original EC. Hence, there was no expansion requiring issuance of separate/fresh EC for the additional minerals.
- d. The Hon'ble Supreme Court in **Keystone Realtors Pvt. Ltd. vs. Shri Anil V. Tharthare & Ors. CA/2435/2019 D/d: 03.12.2019** held as follows:
- Clause (ii) of paragraph 2 of the EIA Notification requires the project proponent to secure an EC from the relevant regulatory authority prior to undertaking any “expansion” of an existing project. Paragraph 7(ii) further stipulates that all applications for an EC in cases of “expansion” resulting in the increase of production capacity or lease area beyond the capacity/area stipulated in the previous EC shall be made in the manner set out in Form 1 or 1A (as applicable).
- e. Since no separate/fresh EC was required for the additional minerals, the allegations of illegal mining of boulder & gravel from 2017 to 2022 are completely false & baseless.
- f. Furthermore, for the sake of clarification, respondent No. 7 had submitted application for addition of boulder & gravel as well as extension of EC which was allowed by way of Letter dated 07.10.2022 (Annexure R-7/14).

**RESPONDENT NO. 7**



**THROUGH**

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